



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Sai
MuckRock News
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Somerville, MA 02144-2516
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Re: Appeal No. DOJ-AP-2019-001212
Request No. 1354911
CDT:JNW

VIA: Email

Dear Sai:

You appealed from the fee estimate provided by the Federal Bureau of Investigation on your Freedom of Information Act request for access to the FBI's FOIA logs for the years 1980 through 1999. I note that you also appeal the FBI's refusal to provide a response in the format you requested. Please note that this Office was closed due to a lapse in funding appropriations between December 22, 2018 and January 25, 2019, which resulted in a delay in responding to your appeal.

After carefully considering your appeal, I am affirming the FBI's action on your request. The FBI has informed this Office that it will be placing all responsive records on its online Vault, and, therefore, will not be assessing fees in connection with the processing of your request. Accordingly, there is no adverse fee determination for this Office to consider on appeal. As to your concerns regarding the FBI's failure to provide records in the specific format and format you requested, because the FBI is proactively making these records available pursuant to 5 U.S.C. § 552(a)(2) in an electronic format, it need not make these records available pursuant to 5 U.S.C. § 552(a)(3) in the format of your choice.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the FBI in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information

Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

8/27/2019

X 

Sean R. O'Neill

Chief, Administrative Appeals Staff

Signed by: SEAN O'NEILL